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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,025	04/25/2001	Chen-Wei Chiu	UMACH.003A	7226

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EXAMINER

GEYER, SCOTT B

ART UNIT PAPER NUMBER

2829

DATE MAILED: 01/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/843,025

Applicant(s)

CHIU ET AL.

Examiner

Scott B. Geyer

Art Unit

2829

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-37 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. The applicant's response to the previous restriction requirement are noted and have been entered as paper no. 11. However, the previous restriction requirement, which is entered into the case file as paper no. 8, is withdrawn. A new restriction requirement is hereby made.

### ***Election/Restrictions***

2. This application contains claims directed to the following patentably distinct species of the claimed invention:

Applicant must choose ONE of the following groups for prosecution:

A. Method of fabricating a module for at least partially intercepting a light beam wherein a single crystal silicon substrate is used having a first and second surface.

B. Method of fabricating a module for at least partially intercepting a light beam wherein a single crystal silicon substrate is used having a first and second surface, and with an etch stop layer consisting of a boron diffusion layer beneath the first surface.

C. Method of fabricating a module for at least partially intercepting a light beam wherein a silicon-on-insulator substrate is used having a first and second surface, and with an etch stop layer of silicon dioxide.

D. Method of fabricating a module for at least partially intercepting a light beam wherein a single crystal silicon substrate is used having a first and second surface, and a conformal layer is utilized by depositing a polymeric material onto the second substrate surface.

Art Unit: 2829

**E. Method of fabricating a device on a substrate wherein the device comprises at least one fragile component and forming a conformal layer on the device by depositing a polymeric material, and with dicing, and also removal of the conformal layer subsequent to the dicing step.**

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After choosing one of the above groups for prosecution, the applicant must then choose one from each of the following lettered groups (if applicable):

**F. Crystal silicon wafer surface**

1. {110} crystallographic orientation
2. {100} crystallographic orientation
3. Plateau surface with {110} crystallographic orientation
4. Plateau surface with {100} crystallographic orientation

**G. Reflector surface**

1. {111} when substrate is {110}
2. {100} when substrate is {100}

**H. Reflector surface**

1. has metal layer (see HH below)
2. does not have metal layer

**HH. Reflector metal surface**

1. Chromium
2. Gold

3. Titanium
4. Aluminum
5. Silver
6. Platinum
7. adhesion layer on reflective surface followed by a gold layer
8. a chromium layer on reflective surface followed by a gold layer
9. a titanium layer on reflective surface followed by a gold layer

**I. Reflector surface**

1. reflects substantially all light
2. reflects a portion of the light and transmits a portion of the light

**J. Reflector support**

1. flat and parallelogram-shaped
2. shape determined by crystallography

**K. Reflector support flap**

1. partially fabricated from single crystal silicon substrate
2. composed of polycrystalline silicon
3. composed of amorphous silicon
4. composed of silicon nitride
5. composed of silicon carbide
6. composed of metal
7. composed of combination of above materials

**L. Compensation structure**

Art Unit: 2829

1. module contains compensation structure (see LL below)
2. module does not contain compensation structure

**LL. Compensation structure**

1. positioned symmetrically with respect to an axis of symmetry
2. comprises a second reflector surface

**M. Couplers**

1. Straight configuration
2. serpentine configuration

**N. Flap**

1. parallel to substrate surface when at equilibrium
2. tilted at an angle to substrate surface when at equilibrium

**O. Magnetic field generated by:**

1. permanent magnet
2. electromagnet

**P. magnet positioned such that poles are:**

1. spaced from substrate such that magnetic field has component perpendicular to substrate surface and is uniform
2. magnetic field is parallel to substrate
3. individual north/south poles are located under or above each flap

**Q. Module**

1. one electrical conduit on the flap
2. more than one electrical conduits on the flap

**R. Formation of substratum layer**

1. comprises formation of protective layer on silicon dioxide and formation of polycrystalline silicon on protective layer

2. formation of polycrystalline layer on silicon dioxide layer

**S. Etching of substrate from first region of the second substrate comprises**

1. performing a deep reactive ion etch only

2. performing a deep reactive ion etch followed by an anisotropic wet etch

/

3. A proper species election will contain one method from group **A** through **E** and one each from group **F** through **S**.

/

4. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, none of the claims are generic.

5. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

6. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37

Art Unit: 2829

CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

7. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

8. A telephone call was not made to the applicant's representative, due to the complexity of the restriction requirement.

9. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

10. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott B. Geyer whose telephone number is (703)

Art Unit: 2829

306-5866. The examiner can normally be reached on weekdays, between 10:00am - 6:30pm. The examiner may also be reached via e-mail: [scott.geyer@uspto.gov](mailto:scott.geyer@uspto.gov)

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on (703) 308-1233. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0956.

SBG

S.B.G.  
January 16, 2003

  
KAMAND CUNEO  
SUPERVISORY PATENT EXAMINER  
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